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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,392	12/07/2000	Richard Alan Haase	0170SS-45347	7432

7590

01/08/2002

ROBERT M. BOWICK
THE MATTHEWS FIRM
1900 WEST LOOP SOUTH
SUITE 1800
HOUSTON, TX 77027

EXAMINER

BARRY, CHESTER T

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 01/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

09/733,392

MERGED REISSUE Ex Parte Reexamination Interview Summary	Control No.	Patent Under Reexamination	
	90/005,710 / 09/73332	5846435	
	Examiner	Art Unit	
	Chester T. Barry	1724	

All participants (USPTO personnel, patent owner, patent owner's representative):

- (1) Chester T. Barry (3) _____
 (2) Bill Johnson (4) _____

Date of Interview: 03 January 2002

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☒ Personal (copy given to: 1) ☐ patent owner 2) ☒ patent owner's representative)

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
 If Yes, brief description: _____

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.
 Any other agreement(s) are set forth below under "Description of the general nature of what was agreed to..."

Claim(s) discussed: NONE.

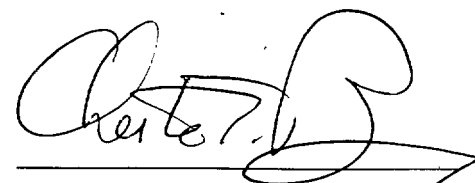
Identification of prior art discussed: NONE.

Description of the general nature of what was agreed to if an agreement was reached, or any other comments.
See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims patentable, if available, must be attached. Also, where no copy of the amendments that would render the claims patentable is available, a summary thereof must be attached.)

A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION MUST INCLUDE PATENT OWNER'S STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. (See MPEP § 2281). IF A RESPONSE TO THE LAST OFFICE ACTION HAS ALREADY BEEN FILED, THEN PATENT OWNER IS GIVEN **ONE MONTH** FROM THIS INTERVIEW DATE TO PROVIDE THE MANDATORY STATEMENT OF THE SUBSTANCE OF THE INTERVIEW (37 CFR 1.560(b)). THE REQUIREMENT FOR PATENT OWNER'S STATEMENT CAN NOT BE WAIVED. **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

cc: Requester (if third party requester)

1/3/02 
 Examiner's signature, if required

Continuation of Description of the general nature of what was agreed to if an agreement was reached, or any other comments: MR JOHNSON TELEPHONED THE EXAMINER STATING THAT HE HAD RECEIVED FROM THE PATENT OWNER A COPY OF A PAPER FROM THE PTO SETTING A 30 DAY PERIOD FOR RESPONSE. BUT DID NOT KNOW THE MAIL DATE OF THE PAPER. UPON REVIEWING THE MERGED PROCEEDING FILES, THE EXAMINER TOLD MR JOHNSON THAT IN REEXAM 90/005710, A "NOTICE OF DEFECTIVE PAPER" SETTING A 30 DAY RESPONSE PERIOD WAS MAILED FROM THE PTO ON DEC. 10, 2001, BUT WAS IMPROPERLY MAILED TO THE PATENT OWNER'S PREVIOUS ATTORNEY NOTWITHSTANDING THE POWER OF ATTORNEY TO BOBBY BOWICK ET AL. AND CHANGE OF CORRESPONDENCE ADDRESS TO THE MATTHEWS FIRM ADDRESS (PAPER 16). THE CHANGES WERE ACKNOWLEDGED BY THE PTO ON 9/12/01 (PAPER 17).

FURTHERMORE, THAT IN REISSUE 09/733392 OF THE MERGED PROCEEDING, THE SAME NOTICE WAS MAILED ON DEC. 11, 200 [sic], TO PROPERLY THE PATENT OWNER FOR WANT OF THE OWNER OR HIS ATTORNEY TO FILE A COPY OF THE POWER OF ATTORNEY AND CORRESPONDENCE ADDRESS CHANGE MARKED WITH THE REISSUE SERIAL NUMBER, I.E., "09/733392."

AFTER CONSULTATION WITH WILLIAM KRYNSKI, TC 1700 SPECIAL PROGRAM EXAMINER, THE EXAMINER DECIDED - IN VIEW OF THE OFFICE'S MISTAKE IN MAILING THE REEXAM NOTICE TO THE WRONG ADDRESS AND ANY CONFUSION WHICH MAY HAVE RESULTED FROM NOT HAVING MAILED THE TWO NOTICES ON THE SAME DAY - TO RESTART THE PERIOD FOR RESPONSE TO THE NOTICE OF DEFECTIVE PAPER IN BOTH THE REEXAM 90/005710 AND REISSUE 09/733392, SUCH PERIOD TO COMMENCE WITH THE PTO'S FORTHCOMING RE-MAILING OF SAID PAPERS. THE NOTICES MAILED ON 12/10/01 AND 12/11/01 ARE HEREBY VACATED.

THE EXAMINER REQUESTED THAT MR JOHNSON FILE AS SOON AS POSSIBLE - PREFERABLY TODAY - VIA THE EXAMINER'S FAX MACHINE A POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS MARKED "09/733392" FOR ENTRY INTO THE REISSUE OF THIS MERGED PROCEEDING. REC'D IN PTO 1/3/02 (CTB)

A COPY OF THIS INTERVIEW SUMMARY WAS FAXED TO MR JOHNSON TO PROVIDE SECURITY TO THE PATENT OWNER THAT NO RESPONSE TO EITHER THE NOTICE MAILED 12/10/01 OR 12/11/01 WILL BE NECESSARY, BUT THAT THE OWNER SHOULD EXPECT TO RECEIVE A PAIR OF SUBSTANTIALLY IDENTICAL NOTICES IN THE VERY NEAR FUTURE UPON THE PTO'S RE-MAILING OF THE SAME TO THE CORRECT ADDRESS..

* By 1/10/02 (CTB 1/3/02)



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,392	12/07/2000	Richard Alan Haase	0170SS-45347	7432

7590 12/11/2001

RICHARD A. HAASE
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SUGAR LAND, TX 77487-0623

EXAMINER

BARRY, CHESTER T

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 12/11/2001

[illegible]

**Notice Of Defective Paper In
Merged Ex Parte Reexamination / Reissue**

Control Number

90/005,710

Examiner

Chester T. Barry

Patent Under Reexamination

5846435

Art Unit

1724

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

1. ☒ Since no proof of service was included with the paper filed on 16 October 2001, it fails to comply with 37 CFR 1.248 and 1.540. Proof of service is required within ONE (1) MONTH from the mailing date of this letter or within the time remaining in the response period of the last Office action. Failure to provide proof of service may result in a refusal to consider the paper.
2. ☐ The paper filed on _____ is unsigned. A duplicate paper or ratification, properly signed, is required within ONE (1) MONTH from the mailing date of this letter or within the time remaining in the response period of the last Office action.
3. ☐ The paper filed on _____ is signed by _____, who is not of record. A duplicate paper or ratification signed by a person of record, or by a person made of record by way of a new power of attorney, is required within ONE (1) MONTH from the mailing date of this letter or within the time remaining in the response period of the last Office action.
4. ☒ The Amendment filed on 16 October 2001 does not comply with 37 CFR 1.530(d)-(j). Patent owner is given ONE (1) MONTH from the mailing date of this letter, or within the time remaining in the response period of the last Office action to correct this informality; otherwise, the reexamination proceeding will be terminated (37 CFR 1.550(d)).

5. ☒ Other

Per item 1: Assuming Owner's failure to provide the PTO with proof of service is indicative of Owner's failure to have actually served the paper in a timely manner on the Requester, the examiner notes that this would appear to be Owner's second failure to serve papers on the Requester. See Requester's Communication dated 4/2/01 (a copy of which is attached).

Per item 4: The number of examples of Owner's failure to comply with 37 CFR 1.530(d)-(j) are too numerous to list here in light of the PTO's scarce resources. See, however, Owner's failure to underline the words "at least one" in claim 1 step a. line 1.

Furthermore, see also Owner's request to "add" claim "20" (at page 1 of the 10/16/01 paper) while the identical claim had already been added in the paper dated 4/18/01 as claim 19 (subsequently renumbered by the Office as claim 20). See also that the alleged "clean copy" of the claims (penultimate page of 10/16/01 paper) does not accurately reflect the text of at least claim 1: Claim 1 uses alpha characters (a, b, c, & d) to demarcate the claim sub-parts whereas the alleged "clean" copy used numerals (1, 2, 3, & 4).

While not offensive of any PTO statute, regulation or policy, Owner's failure to number the pages of the paper does not foster efficient administration of US patent laws.

Additional item: Notwithstanding the instruction in the Decision, sua sponte, to Merge Reexamination and Reissue Proceedings mailed 21 March, 2001 (the "Merger Decision"), for Owner to provide two copies of papers filed (one for entry into the reissue file, the other for entry into the reexamination file), it does not appear that Owner has filed two such copies of the 10/16/01 response with the Office.

In view of the above, the 10/16/01 paper will not be entered into either of the reissue or reexam files.

It is also noted that the Correspondence Address in Reissue SN 09/733392 is not the same as in the Reexamination 90/005710.

No Power of Attorney has been filed in Reissue SN 09/733392. *since 4/17/01. (CTB 10/31/01)*

Owner is urged to review the time extension provisions governing this merged reexam / reissue proceeding.

NOTE: EXTENSION OF TIME ARE GOVERNED BY 37 CFR 1.550(c). If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

~~cc: Requester (if third party requester)~~ *(CTB 10/31/01)*

Chester T. Barry
Chester T. Barry
Primary Examiner
Art Unit: 1724
703-306-5921



GP 1724

CASE RE-US5846435

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

ANDREA DeGecchis
Type or print name

Andrea DeGecchis
Signature

3/27/01
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE MERGED REEXAMINATION AND
REISSUE OF US PATENT NO. 5,846,435
REEXAMINATION CONTROL NO:
90/005,710

Group Art Unit: 1724
Examiner: C. BARRY

REISSUE APPLICATION NO. 09/733,392

Assistant Commissioner for Patents
Washington, D.C. 20231

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TECHNOLOGY CENTER 1700

COMMUNICATION

Dear Sir:

Requester acknowledges receipt of the Decision to merge reexamination and reissue proceedings, dated March 21, 2001. Requester notes reference to an amendment filed in the reexamination proceedings. The patentee is required to serve Requester with a copy of all communications with the USPTO. No such amendment was received by Requester. Requester trusts that the patentee will comply with this requirement in the future.

Respectfully submitted,

David R. Crichton
David R. Crichton
Attorney for Requester
Reg. No. 37,300

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APR 23 2001
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